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consequences of a crime and it can hardly be said in this case that the flight was from the crime of breaking out of the asylum; rather it was from the confinement.

GARNISHMENT—NATURE OF ACTION.—The plaintiffs and the defendant corporation were claimants of a fund of \$25,000 which had been paid into court. The fund was awarded and paid to the corporation. The capital stock of the defendant amounted to \$20,000, all of which was paid up; its resources were \$4,000 in property and \$3,000 in cash. After the award of the fund the corporation paid \$6,000 to creditors and the remaining \$22,000 of the fund to the stockholders, all of whom except one were directors. Meanwhile the plaintiffs appealed from the decision of award and the judgment was reversed in favor of the plaintiffs. Execution was issued and returned unsatisfied. Thereupon the plaintiffs garnished the stockholders. *Held*, that garnishment would lie. *Smith et al. v. Gruber Lumber Co.* (Wash. 1914), 142 Pac. 493.

Two theories of the case are advanced in the decision: first, that the corporation was an involuntary trustee, that it paid the fund to the stockholders under a mistake of fact, and that it could, therefore, recover from them in assumpsit; second, that the directors wrongfully depleted the capital stock of the company, and that the corporation could recover the money in assumpsit, on the ground that "whenever a person has in his hands money equitably belonging to another, that other person may recover it in assumpsit for money had and received." In most jurisdictions garnishment would be held to lie only upon the first theory of the case, as garnishment is maintainable to enforce only legal, and not equitable, demands. *Rood*, GARNISHMENT, 45-47. It has been held, however, in some states that garnishment is a proceeding of an equitable character in which equitable issues may be presented and tried as in a court of chancery. *Shaver Wagon & Carriage Co. v. Halsted*, 78 Iowa 730, 43 N. W. 623; *LaCrosse Nat'l Bank v. Wilson*, 74 Wis. 391, 43 N. W. 153; *Whitney-Holmes Organ Co. v. Pettitt*, 34 Mo. App. 536; *Cowles v. Coe*, 21 Conn. 220; *Maher v. Brown*, 2 La. 492. When garnishment is conducted as an equitable proceeding no reason appears why equitable rights may not thereby be attached as well as legal debts. *Candee v. Penniman*, 32 Conn. 228; *Cox v. Russell*, 44 Ia. 556; *Burnham v. Doolittle*, 14 Neb. 214, 15 N. W. 606; *Root v. Davis*, 51 Ohio St. 29, 36 N. E. 669. The courts differ as to whether dividends illegally declared and paid can be recovered from the stockholders at law, in equity, or at all. *Lexington Life & Ins. Co. v. Page*, 17 B. Mon. (Ky.) 412, 446; *Main v. Mills*, 6 Biss. 98, Fed. Cas. 8974; *Davenport v. Lines*, 72 Conn. 118; *McDonald v. Williams*, 174 U. S. 397. The usual and proper action in a case of this kind is clearly a proceeding in equity. *COOK, CORPORATIONS*, § 549. Upon the second theory of the case it seems that garnishment should be maintained, by the better doctrine, only in those jurisdictions where garnishment is looked upon as an equitable proceeding.

HIGHWAYS—PROPER USE OF.—Where a queue formed in front of the doors of a theatre owned by the defendant and extended in front of the plaintiff's place of business three doors below, thereby obstructing free